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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,891	03/08/2001	Jiangnan Chen	CE08387R	7191
22917	7590	11/17/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			CORRIELUS, JEAN B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CA

Office Action Summary	Application No.	Applicant(s)	
	09/801,891	CHEN ET AL.	
	Examiner	Art Unit	
	Jean B Corrielus	2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6, 11, 12 and 14 is/are rejected.
- 7) ☐ Claim(s) 7-10, 13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/08/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 12-15 are objected to because of the following informalities: claim 12, line 2, "comprises the step of receiving the first plurality of symbols" is redundant and therefore should be deleted. The same comment applies to claim 13, line 2. Claim 14, line 2, "comprises the step of receiving the second plurality of symbols" is redundant and therefore should be deleted. The same comment applies to claim 15, line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Loeliger et al US Application S/N US 2003/0026359 A1.

As per claim 6, Loeliger et al discloses a method and apparatus comprising fig. 12 a first branch metric generator 180 having a first plurality of symbols as an input and outputting first branch metrics for the first plurality of symbols (see output of 180); a second branch metric generator 190 having a second plurality of symbols as an input

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and outputting second branch metrics for the second plurality of symbols (see output of 180) see fig. 12; a combiner 200 having the first and second branch metrics as input and outputting combined branch metrics see fig. 6.

Claim 11 is rejected in like fashion as claim 6.

As per claim 12, the first plurality of symbols are convolutionally encoded see fig. 3 and paragraph 0043.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loeliger et al in view of Ikeda US patent No. 6,327,316.

As applied to claim 6 above, Loeliger et al discloses every feature of the claimed invention but does not explicitly a logic unit configured to receive the first and the second plurality of symbols as input and outputting the symbols with zeroes inserted at various time periods. In the same field of endeavor, Ikeda teaches (fig. 13 element 36 considered as the claimed logic unit configured to receive a stream of digital data as input and outputting the same with zeroes inserted at various time periods see col. 5, lines 6-51. given that fact, it would have been obvious to one skill in the art to

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incorporate such a teaching in Loeliger et al in order to undue the effect of erase circuit that may have been use in the transmitter see col. 5, lines 6-10

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loeliger et al.

As applied to claim 11 above, Loeliger et al discloses every feature of the claimed invention but does not explicitly teach that the first symbol are transmitted by a base station. It would have been obvious to one skill in the art to modify Loeliger in such a way as to transmit the first plurality of symbols using a base station in order to take advantage of the wireless transmission capability provided by such a system, to allow transmission to other wireless devices such as radiotelephones.

Allowable Subject Matter

Claims 1-5 are allowed.

Claims 7-9, 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

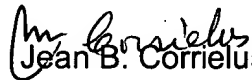
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (571)

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272-3020. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-3086.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Jean B. Corielus

Primary Examiner

TC-2600 11-12-04